

Remarks

The final Office Action dated October 10, 2008, lists the following sole rejection: claims 1-25 stand rejected under 35 U.S.C. § 102(e) over Park *et al.* (U.S. Patent No. 7,296,200). In this discussion set forth below, Applicant does not acquiesce to any rejection or averment in the instant Office Action unless Applicant expressly indicates otherwise.

Applicant respectfully traverses the § 102(e) rejection of claims 1-25 because the Park reference (U.S. Patent No. 7,296,200) does not qualify as prior art under § 102(e). According to M.P.E.P. § 2136, “The prior art date of a reference under 35 U.S.C. 102(e) may be the international filing date if the international filing date was on or after November 29, 2000, the international application designated the United States, and the international application was published by the World Intellectual Property Organization (WIPO) under the Patent Cooperation Treaty (PCT) Article 21(2) in the English language.” *See, also* M.P.E.P. § 706.02(f)(1). Applicant submits that the foreign patent document to which the Park reference claims priority (*i.e.*, KR 10-2003-0086700 identified on the face of the Park reference) does not meet all of these requirements. Thus, the effective date of the Park reference under § 102(e) is November 24, 2004 (*i.e.*, the U.S. filing date of the Park reference), which is after Applicant’s priority date of January 19, 2004 (via EP 04100141.3). Applicant is entitled to rely upon the date of January 19, 2004 to overcome the filing date of the Park reference because a certified copy of application EP 04100141.3 in English was filed with the instant application on July 14, 2006. *See, e.g.*, 37 CFR § 1.55. Thus, the Park reference (U.S. Patent No. 7,296,200) is not prior art to the claimed invention. Accordingly, the § 102(e) rejection of claims 1-25 is improper and Applicant requests that it be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063 (or the undersigned).

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